

Amendment No. 1 to HB2399

Lamberth
Signature of Sponsor

AMEND Senate Bill No. 2611

House Bill No. 2399*

by deleting all amendatory language in SECTION 1 and substituting instead the following:

(a) Statutory rape by an authority figure is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when:

(1)

(A) The victim is at least thirteen (13) but less than eighteen (18) years of age;

(B) The defendant is at least four (4) years older than the victim;
and

(C)

(i) The defendant was, at the time of the offense, in a position of trust, or had supervisory or disciplinary power over the victim by virtue of the defendant's legal, professional, or occupational status and used the position of trust or power to accomplish the sexual penetration; or

(ii) The defendant had, at the time of the offense, parental or custodial authority over the victim by virtue of the defendant's legal, professional, or occupational status and used the position to accomplish the sexual penetration; or

(2)

(A) The victim is at least thirteen (13) but less than sixteen (16) years of age;

Amendment No. 1 to HB2399

Lamberth
Signature of Sponsor

AMEND Senate Bill No. 2611

House Bill No. 2399*

(B) The defendant is less than four (4) years older than the victim;

and

(C)

(i) The defendant was, at the time of the offense, in a position of trust, or had supervisory or disciplinary power over the victim by virtue of the defendant's legal, professional, or occupational status and used the position of trust or power to accomplish the sexual penetration; or

(ii) The defendant had, at the time of the offense, parental or custodial authority over the victim by virtue of the defendant's legal, professional, or occupational status and used the position to accomplish the sexual penetration.

(b)

(1) Statutory rape by an authority figure under subdivision (a)(1) is a Class B felony.

(2) Statutory rape by an authority figure under subdivision (a)(2) is a Class E felony.

(c) No person who is found guilty of or pleads guilty to the offense shall be eligible for probation pursuant to § 40-35-303 or judicial diversion pursuant to § 40-35-313.